

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DILIP JANA

v.

WALMART, INC.

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CIVIL CASE NO. 4:24-CV-698-SDJ

ORDER

Before the Court is Plaintiff Dilip Jana's Objection to Magistrate Judge's Striking of Dkt. 75 and Motion to Reinstate Dkt. 75 for District Judge Review under Rule 72(a). (Dkt. #81). Jana objects to the Magistrate Judge's Order, (Dkt. #79), that struck Jana's Motion to Compel and Request for Sanctions, (Dkt. #75), as premature. Based on a recent motion from Defendant Walmart, Inc. ("Walmart"), the Court presumes that Walmart does not intend to respond to the objection. *See* (Dkt. #85 at 3) ("Walmart respectfully requests that the Court excuse Walmart from the obligation to file response briefs to all pending and future filings by Plaintiff.").

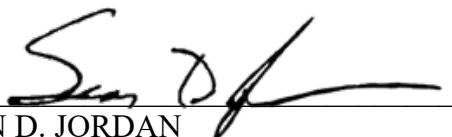
The Court's review of the Magistrate Judge's nondispositive order is one under a "clearly erroneous or contrary to law" standard. FED. R. CIV. P. 72(a). Federal Rule of Civil Procedure 72(a) provides, in relevant part, that "[a] party may serve and file objections to the [nondispositive] order within 14 days after being served with a copy." *Id.* The district judge must consider "timely objections" to a magistrate judge's order on a nondispositive matter "and modify or set aside any part of the order that is clearly erroneous or is contrary to law." *Id.* The matter before the Magistrate Judge was a pretrial matter not dispositive of a party's claim or defense and is therefore not reviewed *de novo*. *See Taylor v. City of Sherman*, No. 4:17CV488, 2017 WL 11707953,

at *6 (E.D. Tex. Dec. 19, 2017) (motions for extensions of pretrial deadlines are nondispositive motions under Rule 72); *Vaquillas Ranch Co., Ltd. v. Texaco Exp. & Prod., Inc.*, 844 F. Supp. 1156, 1160-63 (S.D. Tex. 1994) (holding that only those motions listed in 28 U.S.C. § 636(b)(1)(A) are dispositive under Federal Rule 72).

The Court has reviewed Jana's objection and concludes that Jana has failed to demonstrate that the Magistrate Judge's Order was clearly erroneous or contrary to the law.

It is therefore **ORDERED** that Plaintiff Dilip Jana's Objection to Magistrate Judge's Striking of Dkt. 75 and Motion to Reinstate Dkt. 75 for District Judge Review under Rule 72(a), (Dkt. #81), is **OVERRULED**.

So ORDERED and SIGNED this 24th day of July, 2025.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE